

Message Text

CONFIDENTIAL

PAGE 01 SANTIA 07121 01 OF 02 300253Z
ACTION ARA-14

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC NIACI IMMEDIATE 6281

CONFIDENTIAL SECTION 1 OF 2 SANTIAGO 7121

E.O. 11652: GDS

TAGS: SHUM PGOV PINT CI

SUBJECT: UPDATING HUMAN RIGHTS OBSERVANCE IN CHILE

1. SUMMARY. MAJOR DEVELOPMENTS IN THE HUMAN RIGHTS AREA, NAMELY, THE RELEASE OF 4,000 POLITICAL PRISONERS; DRAMATIC REDUCTIONS IN THE REPORTS OF ILLEGAL DETENTIONS, TORTURE AND DISAPPEARANCES; PINOCHET'S JULY 9 SPEECH ANNOUNCING A PLAN WHICH WOULD RETURN THE MILITARY TO THEIR BARRACKS AND ESTABLISH SOME FORM (HOWEVER CAUTIOUS) OF PARTICIPATORY GOVERNMENT IN CHILE ALL OCCURRED OVER THE LAST 15 MONTHS. SINCE ASSISTANT SECRETARY TODMAN'S VISIT THE GOVERNMENT HAS AGAIN BEGUN TO PROCESS POLITICAL PRISONERS FOR RELEASE UNDER DECREE 504; ALLEGATIONS OF ILLEGAL DETENTIONS, TORTURE AND DISAPPEARANCES REMAIN VERY LOW; AND DEBATE OVER THE MODALITIES OF A RETURN TO SOME FORM OF POLITICAL DEMOCRACY CONTINUES. WITH RESPECT TO OTHER DEVELOPMENTS, THE RESULTS ARE NOT IN. DINA'S REPLACEMENT LOOKS LIKE IT WILL HAVE LIMITED (RATHER THAN BLANKET) DETENTION AUTHORITY. PRESIDENT PINOCHET HAS MADE HARD-NOSED STATEMENTS ON FURTHER REDUCTIONS IN THE STATE OF SIEGE AND THE ELECTION TIMETABLE WHICH MAY REFLECT A SERIOUS DEBATE WITHIN THE GOC INNER CIRCLE ON HUMAN RIGHTS AND POLITICAL TRANSITION VS. STABILITY AND INTERNAL SECURITY. END SUMMARY

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 07121 01 OF 02 300253Z

2. THE SECURITY SERVICE SITUATION. THE LAW CREATING THE NATIONAL INFORMATION CENTER (CNI) DELETES FROM ITS CHARTER THE BLANKET ARREST AND DETENTION AUTHORITY OF ITS PREDECESSOR NATIONAL INTELLIGENCE DIRECTORATE (DINA) AND PLACES CNI MORE CLEARLY WITHIN THE MINISTRY OF INTERIOR. IT DOES HAVE A LOOPHOLE GIVING CNI CERTAIN DETENTION POWERS (WITH A WARRANT FROM A MILITARY

JUDGE) UNDER THE ARMS CONTROL ACT AND, IN OUR JUDGMENT, DOES NOT ESTABLISH THE CNI'S ORGANIZATIONAL POSITION AND RESPONSIBILITIES CLEARLY ENOUGH TO ENSURE THAT IT WILL BE MERELY AN INTELLIGENCE COLLECTION AGENCY. COL CONTRERAS STILL APPEARS TO BE IN CHARGE. WHETHER THE GOC INTENDS FUNDAMENTALLY TO CHANGE ITS INTERNAL SECURITY MODUS OPERANDI DEPENDS LESS ON THE LEGAL FRAMEWORK (DECREES CAN BE IGNORED), THAN ON A VARIETY OF FACTORS SUCH AS EVENTS IN CHILE, DECISIONS BY PRESIDENT PINOCHET, FORCES AT WORK WITHIN THE GOC AND THE EXTERNAL ENVIRONMENT. THE DECREES ABOLISHING DINA AND ESTABLISHING THE CNI ARE PROBABLY BEST SEEN AS ANOTHER INDICATOR THAT THE FACTORS IN PLAY ARE FORCING A CURTAILMENT, HOWEVER CAUTIOUS, OF THE SECURITY SERVICES.

3. REDUCTION IN THE STATE OF SIEGE? FOLLOWING SUBSTANTIAL PUBLIC SPECULATION THAT DECREE 1877 (SANTIAGO 6957) PRESAGED A REDUCTION OF THE STATE OF EMERGENCY ON SEPT 11, PINOCHET IN PUBLIC STATEMENTS LAST WEEK SEEMED TO DISCARD THIS POSSIBILITY AND ALSO SUGGESTED THAT ELECTIONS MIGHT BE DELAYED EVEN LONGER THAN IN THE SCHEDULE HE SET FORTH JULY 9. PRESS ACCOUNTS VARY AS TO WHETHER PINOCHET SAID THAT THERE WOULD BE NO REDUCTION IN THE STATE OF SIEGE OR THAT THE EMERGENCY REGIME WOULD CONTINUE. IF THE LATTER INTERPRETATION IS CORRECT, FURTHER REDUCTION MAY

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 07121 01 OF 02 300253Z

BE IN THE OFFING. IT IS ALSO POSSIBLE THAT PINOCHET IS, IN FACT, DUG IN AND RESPONDING TO THE FEELING OF MANY PROJUNTA CHILEANS THAT CHILE SHOULD NOT BE SEEN TO BE YIELDING EXCESSIVELY TO FOREIGN PRESSURE.

4. DETENTIONS AND DISAPPEARANCES.
SINCE MAY THERE HAVE BEEN NO CONFIRMED DISAPPEARANCES. THE VICARIATE NOW LISTS 4-7 CASES FOR 1977, AND A TOTAL OF ONLY 78 PERSONS DETAINED. THESE FIGURES REPRESENT DRAMATIC REDUCTIONS IN BOTH CATEGORIES. ON AUGUST 25 THE CARABINEROS ARRESTED SEVEN ALLEGED PLOTTERS AND

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 07121 02 OF 02 300246Z

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O 300049Z AUG 77

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC NIACI IMMEDIATE 6282

CONFIDENTIAL SECTION 2 OF 2 SANTIAGO 7121

PROMPTLY TURNED THEM OVER TO A MILITARY JUDGE FOR VIOLATING A STATE OF SIEGE BAN ON "CLANDESTINE POLITICAL MEETINGS" (SANTIAGO 7064). THE WIDE PUBLICITY GIVEN TO THESE ARRESTS MAY BE INTENDED TO MAKE THE POINT THAT THE ALLEGED PLOTTERS, WHO WOULD CERTAINLY HAVE BEEN APPREHENDED BY DINA PREVIOUSLY, WERE PICKED UP LEGALLY BY THE CARABINEROS.

5. RELEASE OF POLITICAL PRISONERS. AN INTERNATIONAL REFUGEE ORGANIZATION (ICEM) TELLS US THAT THE COMMISSION CHARGED WITH REVIEWING REQUESTS FOR COMMUTATION OF JAIL SENTENCE TO EXILE IS EXAMINING ABOUT ONE HUNDRED PETITIONS IT HAD PREVIOUSLY REJECTED. A DOZEN HAVE RECENTLY BEEN FAVORABLY GRANTED.

6. COMMENT: AS USUAL THE HUMAN RIGHTS PICTURE HERE IS COMPLEX AND EVEN CONFLICTING. IT IS CLEAR THAT PINOCHET AND OTHER GOC INSIDERS CONTINUE TO INSIST THAT A RETURN TO A MORE OPEN SOCIETY BE GRADUAL AND CAUTIOUS. WITH THIS CAVEAT, HOWEVER, THERE IS ROOM FOR ADDITIONAL PROGRESS TOWARD NORMALIZATION. THE DEBATE CONTINUES WITHIN AND WITHOUT THE GOC. CERTAINLY PINOCHET'S BILATERAL WITH PRESIDENT CARTER PROVIDES AN IMPORTANT OPPORTUNITY TO SUSTAIN MOMENTUM FOR HUMAN RIGHTS IMPROVEMENT. OUR SUGGESTED TALKING POINTS FOLLOW SEPTEL.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 07121 02 OF 02 300246Z

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